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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,595	12/21/2001	Assaf Govari	BIO-137	6087

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EXAMINER

ROY, BAISAKHI

ART UNIT	PAPER NUMBER
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3737

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,595

Applicant(s)

GOVARI, ASSAF

Examiner

Baisakhi Roy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 2, 7, 15, 24, 26, 31, 39 and 48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 8-14, 16-23, 25, 27-30, 32-38 and 40-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. 7/25/05.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-48 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-6, 8, 12, 16, 25, 27, 28, 30, 32, and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Gadzdzinski (2001/0051766). Gadzdzinski discloses an apparatus and method for determining the position of an object within a body comprising an acoustic wave generator ([0068]), a wireless acoustic tag and a transducer fixed to the object with said tag comprising a shell defining a cavity therein and a medium contained within the shell where in response to incidence of a first acoustic wave at a first frequency, the tag emits a second acoustic wave at a second frequency different from the first frequency ([0223-0227]), inserting the object into the body ([0145]), one of more detectors adapted to detect reflected acoustic waves ([0416]), and a signal processor coupled capable of determining the angular orientation

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coordinate of the object in the body ([0067] [0255] [0258]). The reference also teaches said object to have an axis ([0157]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13, 14, 20-23, 29, 36-38, and 44-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gazdzinski in view of Schneider (6073043).

Regarding claims 29 and 36, Gazdzinski teaches determining the position of the object in the body but does not explicitly teach a method for determining the position coordinates of the object. In the same field of endeavor, Schneider discloses a method for determining the position of an object within a body by determining the coordinates of the object in the body (col. 3 lines 44-47, col. 5 lines 30-35). It would have been obvious to one of ordinary skill in the art to use the teaching by Schneider to modify the teaching by Gazdzinski for the purpose of determining the position and orientation of a remote device.

Regarding claims 13, 14, 20-23, 37, and 38, Gazdzinski does not explicitly teach a magnetorestrictive element. In the same field of endeavor, Schneider discloses magnetorestrictive elements (col. 5 lines 38-41). It would have therefore been obvious

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to one of ordinary skill in the art to use the teaching by Schneider to modify the teaching by Gazdzinski for the purpose of providing sensing elements.

5. Claims 9, 10, 11, 17-19, 33-35, and 41-43 rejected under 35 U.S.C. 103(a) as being unpatentable over Gazdzinski in view of Schneider et al. (5689576). Gazdzinski teaches said transducer to comprise a piezoelectric transducer but does not explicitly teach a crystal having multiple opposing faces. In the same field of endeavor, Schneider et al. disclose a system and method for determining the position and orientation of an object with a transducer comprising a piezoelectric crystal having multiple opposing faces with circuit elements (col. 9 lines 12-45). It would have therefore been obvious to one of ordinary skill in the art to use the teaching by Schneider et al. to modify the teaching by Gazdzinski for the purpose of causing the crystal to emit acoustic waves at different resonant frequencies with respective amplitudes that vary responsive to the orientation angle of the transducer.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5,964,709 is directed to a portable ultrasound imaging system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baisakhi Roy whose telephone number is 571-272-7139. The examiner can normally be reached on M-F (7:30 a.m. - 4p.m.).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. R.

BR


BRIAN L. CASLER
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